

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

KEVIN REAGAN,

Plaintiff,

v.

Civil Action No. 4:23-cv-158

**WILLIAM J. BURNS, Director,
Central Intelligence Agency,**

Defendant.

**PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO DEFENDANT'S MOTION TO DISMISS¹**

Plaintiff Kevin Reagan, by and through undersigned counsel, with no opposition from Defendant, hereby moves for an extension of 14 days, up to and including October 11, 2024, to submit his response to Defendant's Motion to Dismiss (Dkt. 44 and 45) to the Agency's Prepublication Classification Review Board (PCRB), followed by filing in this Court after PCRB review, and Plaintiff states as follows:

1. Defendant moved to dismiss the Complaint on August 14, 2024, and Plaintiff's opposition is currently due on September 27, 2024. Plaintiff seeks a 14-day extension of his response deadline, up to and including October 11, 2024, such that Plaintiff will submit his response to the PCRB by October 11, 2024, followed by filing the response in this Court subsequent to PCRB review. Plaintiff further seeks that Defendant's reply would be due 14 days after Plaintiff's response is filed in this Court (following PCRB review).

¹ This Motion was submitted to the PCRB for review on September 23, 2024, and was approved for filing by the PCRB on September 24, 2024.

2. Plaintiff was previously granted a 30-day extension of his response deadline (via an order on August 27, 2024), but Plaintiff's counsel needs two more weeks to respond to Plaintiff's dispositive motion and therefore submits this second and final extension motion, for the reasons articulated herein.

3. Plaintiff's lead counsel Daniel Gebhardt experienced a medical emergency in late June to July 2024, which was serious and life threatening and which necessitated a two-week stay in a hospital intensive care unit as part of the treatment. Attorney Gebhardt was recovering from his medical issues in late July to August 2024 and has returned to work in September 2024, albeit on a part-time basis. Attorney Gebhardt has been the lead attorney for Plaintiff throughout his litigation, including at the Agency and EEOC.

4. After returning to work in September 2024, Plaintiff's lead counsel Daniel Gebhardt has a backlog of numerous litigation deadlines, such as opposition to a motion for summary judgment due on September 27, 2024 in an EEOC case, reply brief due in federal court on September 25, 2024, opposition to a discovery motion due in the EEOC on September 30, 2024, and many other tasks and deadlines, including taking depositions and handling other discovery matters in EEOC cases. For this reason, Plaintiff's counsel submits this second and final extension request for two additional weeks to complete Plaintiff's response to Defendant's dispositive motion, with a corresponding extension for Defendant's reply.

5. Plaintiff's counsel Daniel Gebhardt has conferred with Defendant's counsel concerning this Motion, and Defendant has no objection to this extension Motion.

6. Good cause exists to grant this extension request, and it will not prejudice either party.

WHEREFORE, for the above reasons, Plaintiff respectfully requests that this Court grant this Motion and extend the deadline for Plaintiff's response to Defendant's motion to dismiss to October 11, 2024, such that Plaintiff will submit his response to the PCRB by October 11, 2024, followed by filing the response in this Court subsequent to PCRB review. Plaintiff further seeks that Defendant's reply would be due 14 days after Plaintiff's response is filed in this Court. A proposed order is attached.

Dated: September 24, 2024

Respectfully submitted,

/s/ LENORE C. GARON
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiff's Unopposed Motion for Extension of Time to Respond to Defendant's Motion to Dismiss, and a proposed order, was served on this 24th day of September 2024, via electronic filing using this Court's CM/ECF system, on Defendant:

Daniel P. Shean, Assistant U.S. Attorney
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/s/ Lenore C. Garon
Lenore C. Garon

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ORDER

Upon consideration of Plaintiff's Unopposed Motion for Extension of Time to Respond to Defendant's Motion to Dismiss, and the entire record, it is hereby ORDERED that Plaintiff's Motion is **GRANTED** and it is **FURTHER ORDERED** that Plaintiff shall submit his response to Defendant's Motion to Dismiss to the PCRB by October 11, 2024 and that Defendant shall file any reply within two weeks after Plaintiff's response is filed in this Court following PCRB review.

It is so ORDERED.

Date

Douglas E. Miller
United States Magistrate Judge